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Letter dated 16 October 2008 from the Permanent Representative of Thailand to the United Nations addressed to the President of the Security Council

With reference to a letter from the Permanent Representative of Cambodia to the President of the Security Council dated 15 October 2008 (S/2008/653), I have the honour to inform Your Excellency of the account of facts and relevant information concerning relations between Thailand and Cambodia as follows:

1. On 13 October 2008, the Deputy Prime Minister and Minister for Foreign Affairs of Thailand paid an official visit to Cambodia. The visit was a part of his Association of Southeast Asian Nations (ASEAN) introductory tour after assuming the office and intended to strengthen relations with Cambodia in all areas of mutual interest. During the visit, he met with the Deputy Prime Minister and Minister for Foreign Affairs of Cambodia and paid a courtesy call on the Prime Minister of Cambodia. At both meetings, both sides had frank discussions on issues of mutual concern and were in agreement that, as neighbouring countries that cannot move away from each other, it is best for the two countries to resolve any outstanding issues amicably and peacefully through bilateral mechanisms. The Prime Minister of Cambodia reaffirmed to the Deputy Prime Minister and Minister for Foreign Affairs of Thailand that Cambodia would be cooperating with Thailand under the framework of ASEAN and assured the Thai side that he never made any ill remarks about Thailand. The Prime Minister of Cambodia also told the Thai side that he hoped that a win-win solution could be reached.

2. But a reversal of stance came as a big surprise on that same afternoon of 13 October 2008, when the Prime Minister of Cambodia publicly issued an ultimatum against Thailand to withdraw by 1200 hours of 14 October 2008 or Cambodia would turn the border area into a "death zone". Such public announcement of a threat to resort to the use of force by Cambodia not only negates earlier goodwill but also runs counter to the spirit of good neighbourliness and the Treaty of Amity and Cooperation in Southeast Asia, and contradicts the principle enshrined in the Article 2, paragraph 4, of the Charter of the United Nations, which states: "All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations."

3. Despite the ultimatum by the Prime Minister of Cambodia, the Prime Minister of Thailand stated, on 14 October 2008, that Thai soldiers were inside the territory of Thailand and made clear that Thailand would never violate the sovereignty of a

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neighbouring country and that it would not be the first to resort to the use of force. The Prime Minister of Thailand reaffirmed Thailand's determination to resolve outstanding issues through bilateral diplomatic negotiations in line with the international standard practices relating to the resolution of bilateral disputes. This message of peace and friendship was welcomed by the Deputy Prime Minister and Minister for Foreign Affairs of Cambodia during his telephone call with the Deputy Prime Minister and Minister for Foreign Affairs of Thailand in the morning of 15 October 2008.

4. However, in the afternoon of 15 October 2008, while conducting a routine patrol near the area called Phu Ma Khua in Thai territory, Thai soldiers came under hostile attack by Cambodian soldiers using rocket-propelled grenades and sub-machine guns. At the same time, around the area near Pha Mor I Dang in Thai territory, another group of Cambodian soldiers also opened fire — using recoilless guns, rocket-propelled grenades, mortars and rifles — on Thai soldiers. Both incidents took place at around 1425 hours. While the first incident went on for 5 minutes, the second incident lasted about 35 minutes. Thailand considers Cambodian soldiers' intrusion into Thailand's territory and their shooting at Thai soldiers a serious violation of Thailand's sovereignty and territorial integrity. Cambodia's provocation constitutes an act of aggression in blatant violation of international law. Thus, Thailand had no choice but to exercise the inherent right of self-defence, as provided for under the Article 51 of the Charter of the United Nations.

5. With reference to a map attached to the letter from the Permanent Representative of Cambodia to the President of the Security Council dated 15 October 2008, it should be clear that this map is neither an integral part nor an annex document of the 1962 International Court of Justice Judgment concerning the Temple of Preah Vihear. The International Court of Justice Judgment also did not give legal status to the said map. It should also be clear that Thailand and Cambodia do not recognize this map under the Memorandum of Understanding of 2000 as the basis for demarcation. Rather, the basis for demarcation is the Franco-Siamese Convention of 1904, which defines the boundary in this area along the watershed line. In this connection, the map attached to the letter of the Permanent Representative of Cambodia referred to above is merely one of the many documents that could be considered in the work of the Joint Boundary Commission on Demarcation of the Land Boundary, which was established by the Memorandum of Understanding.

6. Notwithstanding the incidents on 15 October 2008, Thailand reaffirms its commitment to closely cooperate with Cambodia within the existing bilateral mechanisms, which have recently yielded positive progress. On 16 October 2008, the Thai and Cambodian militaries reached an agreement to conduct a joint patrol in the areas where the 15 October 2008 incidents occurred, as part of efforts to ease tension and build mutual confidence. A special session of the Regional Border Committee is scheduled to take place on 21 October 2008. The Joint Boundary Commission on Demarcation of the Land Boundary would be convened soon. At present, the border between Thailand and Cambodia remains calm.

7. Progress in the bilateral process is not only in the interest of the two countries concerned and their peoples but also in line with the wish of many friends of Thailand and Cambodia around the world, who have made clear their common

preference for peaceful bilateral dialogue and discussions. Thailand shares the same wish and sincerely appreciates the understanding expressed by friends from around the world and treasures their positive encouragement.

8. Thailand attaches great importance to developing good and friendly relations with neighbouring countries, including Cambodia. Nurturing and strengthening ASEAN solidarity has always been a cornerstone of Thailand's foreign policy since the establishment of ASEAN 41 years ago. Good neighbourliness and ASEAN solidarity have been and will always be paramount for Thailand.

I have the honour to request that this letter be circulated as a document of the Security Council.

(*Signed*) Don **Pramudwinai**
Ambassador
Permanent Representative of the Kingdom of Thailand
to the United Nations